



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TRG
Docket No: 2934-99
7 December 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed an application with this Board requesting that her discharge be canceled and that she be given constructive service until the expiration of her enlistment.

2. The Board, consisting of Mr. Whitener, Mr. Pfeiffer and Ms. Humberd, reviewed Petitioner's allegations of error and injustice on 29 November 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application was filed in a timely manner.

c. Petitioner enlisted in the Navy for four years on 19 July 1995 at age 19. The record shows that she subsequently extended that enlistment for a period of eight months for orders, but the extension never became effective. There are no further extensions in the record.

d. On 5 November 1997 Petitioner gave birth to a son. About eight months later, on 10 July 1998, she was referred for a psychiatric evaluation because of suicidal ideation. Subsequently, the psychologist diagnosed her with a personality disorder with borderline traits and concluded, in part, as follows:

The patient is reporting frequent suicidal ideation,

difficulty controlling her impulses, and a recent history of self-destructive behavior. It is therefore recommended she be considered for expeditious administrative separation.

Petitioner submitted a rebuttal to the evaluation contending, in effect, that the psychiatric history was slanted and she did not have a personality disorder but was suffering from post-partum depression. The psychologist reviewed the rebuttal but did not change his diagnosis. Copies of the evaluation and Petitioner's rebuttal are attached to enclosure (1).

e. On 13 July 1998 Petitioner was notified of separation processing based on the diagnosed personality disorder. At that time she elected to waive her procedural rights. Subsequently, the commanding officer directed an honorable discharge. And she was so discharged on 4 August 1998. At that time she was assigned an RE-3G reenlistment code. On 23 February 1999 she was informed that she had been overpaid in the amount of \$1,009.46 because of a late posting of leave she had taken in June 1998.

f. Petitioner applied to the Board contending that she was improperly discharged because she does not have a personality disorder. In support of her contention, she submitted an evaluation from a civilian psychologist, which included a diagnostic interview and psychological testing. The psychologist concluded that she did not have a personality disorder but was suffering from post-partum depression while in the Navy. He believes that subsequent events, including her discharge from the Navy, resulted in additional depression factors that merged with her original post-partum depression. The final diagnosis was a dysthymic disorder. A copy of this evaluation is attached to enclosure (1).

g. The conflicting psychiatric evaluations were referred to the Specialty Advisory for Psychiatry in the Bureau of Medicine and Surgery for an advisory opinion. On 13 July 2000 the Specialty Advisory concluded that the Navy's earlier evaluation did not support the diagnosis of a personality disorder. A copy of this evaluation is attached to enclosure (1).

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Based on the evidence that she does not have a personality disorder, it is clear that she was improperly discharged for that reason. Since no other reason for discharge appears to fit the circumstances, the Board concludes that corrective action is warranted. Therefore, the record should be

corrected to show that she was not discharged on 4 August 1998 but continued to serve on active duty until she was honorably discharged at the expiration of her enlistment on 18 July 1999. The record should be further corrected to show that she was assigned an RE-1 reenlistment code.

RECOMMENDATION:

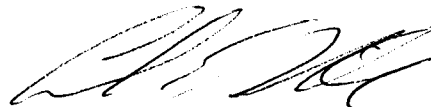
a. That Petitioner's naval record be corrected to show that she was not discharged on 4 August 1998 but continued to serve on active duty until she was honorably discharged at the expiration of her enlistment on 18 July 1999 with an RE-1 reenlistment code.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director